

STATE OF NORTH CAROLINA COUNTY OF AVERY

The Avery County Board of Commissioners met in Regular Session on Monday, February 4, 2008, at 3:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chairman; Phyllis Forbes, Scott Heath, and Dan South.

Members Absent: None.

Call to Order

Chairman Poteat called the meeting to order at 3:06 p.m. Dan South led in prayer.

Amend Agenda

The County Manager requested that the Board amend today's agenda to move the Avery County Fire Commission meeting to after the Agenda Consent Items and Announcement of Upcoming Meetings. The Board approved by consensus.

Public Appearances

John Greene, Avery Economic Development Commission, thanked the Board for their continued support. He reminded the Board that the EDC would like for the Board to discuss the results of the Town Hall Meetings and surveys which the EDC held and they would like a date to be set to discuss these matters. EDC and Tommy Burleson met and decided that they needed a part-time paid person to assist Tommy Burleson who is the EDC Director. Due to Tommy's duties at the inspection department and other duties, he does not have time to dedicate to the EDC. Bill Close, EDC Vice-Chair, previously pointed out to the Board that Avery County is missing out on a lot of grants and publications due to the fact that Tommy did not have time to dedicate to those issues. The EDC would like the Board to consider this part-time position in the upcoming budget as it would pay for itself with the economic opportunities and employment for our citizens. The EDC would like to increase the employment opportunities for the children of our county.

Daniel Barron, Avery-Mitchell-Yancey Regional Library Director, came before the Board with three different issues he wanted to make the Board aware of. The AMY Regional Library has teamed up with the Employment Security Commission. All of the libraries in the system will be access points so citizens will be able to go into the libraries and access the computers to find jobs and have self-help materials to help with obtaining a job.

Daniel Barron provided the Board with some information regarding resources to apply for grant funds with the closest being Johnson City, then Asheville and Charlotte. The AMY Regional Library has applied for and will receive a cooperative collection plus \$4,000.00 worth of hard copy materials and access to their resources in New York City. AMY Libraries could not afford to do this in all four counties so it will be placed in the Spruce Pine Public Library where it would be more easily available to all of these counties. Any member of the public who wants to use the database would be allowed to do so. The Library Board believes this program will be self-sufficient. Mr. Barron advised that he has applied for a grant for the second year and half of the third year of this program and believes it will be approved. All libraries will go through special training for this program. Mr. Barron added the first workshop would be in March. Dan South commented that he felt this grant foundation would be a great asset. Also, all of our libraries will be participating in a new "Together We Read" program, stated Mr. Barron.

Dan South requested that the Board proceed with Board Appointments while the Board waits for students from Avery High School Band to speak at public comment time.

Board Appointments

The Board considered an appointment to serve on the Long Term Care Community Advisory Committee for Mr. William J. Clapp. The County Manager recommended that the Board appoint Mr. Clapp.

Motion by Susan Pittman and second by Phyllis Forbes to appoint Mr. William J. Clapp to a three-year term on the Long Term Care Community Advisory Committee. Motion unanimously approved.

The County Manager advised that by statute the Manager or his designee is supposed to serve on the Juvenile Crime Prevention Council. Nancy Cook, former Clerk to the Board, served on this board until her retirement. Mr. Bob Austin has expressed a keen interest in serving on this board and the Manager would recommend that he serve in this capacity. The Board briefly discussed the JCPC board and its function.

Motion by Dan South and second by Susan Pittman to appoint Bob Austin to serve on the Juvenile Crime Prevention Council representing the County Manager. Motion unanimously approved.

Agenda Consent

Community Service Block Grant

The Manager stated that the Community Services Block Grant Program Application for 2008-2009 does not need to be signed by the Chairman of the Board; however, it has been reviewed and found to be acceptable and can be approved by a consensus of the Board. The Board then approved the CSBG application by consensus. Dan South asked about the migrant and seasonal farm workers and how this grant would affect them. Marnie Werth advised that the law covers a broad parameter but that the migrant residents must be a resident of one of the four counties, a U.S. Citizen and fall below the poverty guidelines. The migrant residents must also have a valid social security number.

Tax Collector Report – Mary Daniels

Mary Daniels presented the Tax Collector report for the month of January 2008 in amount of \$2,789,663.55.

Motion by Phyllis Forbes and second by Scott Heath to approve the Tax Collector report as presented. Motion unanimously approved.

Public Comments

With the arrival of the students from the Avery High School Band, the Board continued with public comments. Dee Raby, Avery High School Band Director, thanked the commissioners for their support for the trip to the Orange Bowl. Ms. Raby stated the band performed with 8 other bands and over 500 students performing together. Jessica Wiseman, Kyle Zulfer, Garrick Gavenus and Sarah Ware individually thanked the board for supporting them with their trip to the Orange Bowl. Gerald Arthur, Avery High Band Booster member, presented the Board and County Manager with gifts they bought at the Orange Bowl. Kenny Poteat stated the Board realized the fact there was no national recognition was no fault of the band because there was no other band recognized but that the Board will follow up regarding this.

Tax Assessor Report – Phillip Barrier

Real and Personal Releases

Phillip Barrier presented real and personal releases in the amount of \$4,888.58 county tax and \$521.46 fire tax. There were three releases with two of them being rebilled. Phillip Barrier stated the larger amount which was a home was on the wrong parcel and this was corrected.

Motion by Susan Pittman and second by Dan South to approve the Real and Personal Releases as presented. Motion unanimously approved.

Motor Vehicle Releases

Phillip Barrier presented the Motor Vehicle releases in amount of \$179.40 county tax, \$18.10 fire tax, and \$39.80 city tax. Kenny Poteat asked which city generated this. Phillip Barrier stated that Banner Elk generated this.

Motion by Susan Pittman and second by Scott Heath to approve the Motor Vehicle Releases as presented. Motion unanimously approved.

Resolution – Board of Equalization and Review 2008

Phillip Barrier, Tax Assessor, asked the Board to adopt a resolution for the Board of Equalization and Review for 2008. This is an annual resolution that is required by the Machinery Act. The Chairman asked the total number of members to the Board of E&R. Mr. Barrier stated there were 5 members on the board and usually one alternate. Scott Heath asked if this was a year around board. This board meets every year to begin on a Monday in April. We would like to get the board in place by the first of April so we can tell the taxpayers who do not agree with the assessed values that the board will be open, stated Mr. Barrier. The Board of E&R must stay open two weeks but does not have to meet every day but is scheduled according to how many people would like to meet with the Board of E&R. Avery County has always appointed a Board of E&R. Mr. Barrier stated this board could be the County Commissioners but our County has decided this may be a conflict of interest so we have had a special board and this is the reason why we need this resolution passed to take the applications for the members to serve on the board. All of the terms are annual terms for these members. The adoption of the resolution will allow Mr. Barrier to run the ad in the newspaper for people to serve on this board and begin taking applications and present the applications at the first meeting in April.

Motion by Scott Heath and second by Susan Pittman to adopt a resolution to appoint a special Board of Equalization and Review for 2008. Motion unanimously approved.

Hospice of Avery County

Mary Ellen Shea, Hospice Executive Director, came before the Board requesting emergency funds in the amount of \$25,000 for the first half of 2008. The Board of Directors for Hospice was present and introduced to the Board; Bob Taylor, Marcie Ollis, Ed Poe, Robert Schoffner and Judy Lincks. Other introductions were Rachel Pate, Director of Nursing, Robert Schoffner, Chairman, Carolyn Quackenboss, Social Worker. Carolyn Quackenboss presented letters from families who have been helped by Hospice of Avery County. A slide presentation was presented explaining Hospice, its philosophy, what its importance is to the County, and cost analysis per patient. Mr. Robert Schoffner presented the financial summary for January-December 2007 and the first part of 2008 January-June. The total operating revenue in 2007 was \$690,000 with Medicare/Medicaid being the primary source at 70% and contributions/fundraising 30%. January-June 2008 the total operating revenue is \$280,000 Medicare/Medicaid revenue and \$118,000 contributions/fundraising. The total operating expenses were also presented showing in 2007 to be \$753,000 with 92% related to patient care and 8% administrative costs. Total operating expenses for 2008 so far is \$423,000 with 83% directly related to patient care and 17% administrative expenses. Ms. Shea stated that without proper funding a takeover could be possible from a large Hospice Corporation. Hospice typically serves on average 12-25 patients per day. They have 15 employees in place at this time. There was discussion by the Board of Commissioners that they indeed felt this was a worthwhile organization and does not want Hospice to have to close its office. However, the Board has concerns with the trend of changing the budget in mid-stream and the monies that have been extracted from the Fund Balance to date this fiscal year.

Chairman Poteat advised the Board that he has concerns, not with Hospice, but with a trend that seems the Board is establishing with changing the budget in midstream. The Chairman stated that \$302,946 in fund balance appropriations have already been made this year. This does not include a potential commitment of \$376,000 for the recreation department committee. This is approximately \$700,000 collectively. The Chairman stated it is the charge of the Board of County Commissioners that the Board represents all people and not just certain factions. The Chairman asked for any comments from the Board. Susan Pittman stated we could not

leave Hospice hanging. Susan Pittman questioned if Hospice would accept one-half the amount they are asking. Ms. Shea replied that they truly are in a dire need of the \$25,000. Dan South stated that he is going to abstain from the vote today due to his wife being employed by Hospice. Mr. South also stated he felt that Hospice had a serious need and that Hospice rendered a tremendous service. Phyllis Forbes said we must look out for the needs of all and no one knows when we may need the services of Hospice. Scott Heath stated that he had previously said he would not vote in favor of any more motions for budget amendments as so many of these keep coming along. Also, he questioned, is it the responsibility of the taxpayers or of government to fund a nonprofit organization? Special Appropriations is where the Board is getting into trouble, stated Mr. Heath. However, this is a very worthy cause and this organization takes very special employees. Mr. Heath stated it is not about Hospice, it is the bigger issue of the Board's policy with respect to Special Appropriations. The County Manager suggested that perhaps Hospice could take into consideration changing their fiscal year to be in sync with the County's fiscal year.

Motion by Phyllis Forbes and second by Susan Pittman to appropriate \$25,000 from fund balance as a one time appropriation to aid Hospice of Avery County. Motion passed 4 to 0 with Dan South abstaining.

County Manager Report – Robert Wiseman

Robert Wiseman, County Manager, advised at the last meeting he was asked to check on the turf at the Avery High School and to check on the progress of the Banner Elk School Project. The Board of Education is meeting today with the architect and by the end of their meeting today they should be able to have a pretty accurate forecast for starting the new Banner Elk School. On the 18th of February, the Board of Education will be meeting with the engineering firm to put the final paperwork together to advertise for the request for proposals to build the artificial track and artificial turf at Avery High School. The County Manager stated that the Board has either amended or committed to approximately \$700,000 and probably the money that was appropriated for the turf and track at the Avery High School would not be sufficient and possibly another \$100,000 would have to be appropriated. The County Manager reiterated that the mid year fund balance amendments already were approaching approximately \$800,000 and we are only six months into the year. The County Manager also stated he had talked with David Moses and the Animal Shelter is progressing as far as the blueprint. A working document should be available in the next few months. A date of February 13, 2008 at 9:00 a.m. for an all day workshop was scheduled with the Board to discuss issues that are paramount before starting the budget process.

Finance Office Report – Tim Greene

Tim Greene advised he had no budget amendments. Previously, there was discussion about direct deposit and a survey was done among the employees with 78% being in favor of direct deposit. The direct deposit is all or none and this will be implemented in late spring or early summer.

County Attorney Report – Michaelle Poore

Michaelle Poore advised that the County had been served with a notice from R.C. Avery Landholdings, LLC in regards to a lawsuit that would be filed against the County. That has now been filed. The County's time to file a response has not run out yet and there will be more information at the next meeting. The County will have 30 days to respond and that can be extended.

Closed Session

Motion by Phyllis Forbes and second by Scott Heath for the Board to go into Closed Session under G.S. 143-318.11 (a) (6) regarding personnel matters at 5:05 p.m. The Board, the Clerk, the County Manager, the Finance Officer and the County Attorney are invitees. Motion unanimously approved.

The Board came out of Closed Session at 5:28 p.m. The Chairman advised that no decision was made and no vote was taken during the Closed Session.

Approval of Minutes

Motion by Susan Pittman and second by Scott Heath to approve the minutes from January 7, 2008 Regular Session, January 21, 2008 Regular Session and January 21, 2008 Closed Session. Motion unanimously approved.

Agenda Consent Items

The Agenda Consent Items were adopted by consensus of the Board.

Upcoming Meetings

February 13, 2008 at 9:00 a.m. will be the workshop for the Board. The location is pending at this time. March 3, 2008 is the next Regular Session meeting.

Recess

The Board took a brief recess at this time.

FIRE COMMISSION

The Fire Commission met with the Board of Commissioners in a discussion to update the Board on the Fire Commission budget and make sure the Fire Commission was proceeding in the direction that the County Commissioners wanted them to. Members present from the Fire Commission were Daryl Smith, Chairman, Joe Perry, Jake Owens, Danny Clark and Michael Johnson. Butch Sholar, Fire Department Coordinator, was also present. Information was given to show the Board where the money has been spent and what is left in the

budget. Mr. Smith stated the Fire Commission had \$395,787 current funds available, allocations \$222,500 with available funds thru 6/30/08 of \$618,287. Fixed expenses \$209,700. The Fire Commission’s goal is to keep \$250,000 in the Fund Balance. The Fire Commission has agreed for Crossnore Fire Department to replace a 1978 pumper, Frank to replace 1980 pumper and 1980 tanker, and Beech Mountain Fire Department to replace a 1977 pumper. Beech Mountain has received a grant of \$261,250 from Homeland Security to apply toward a new vehicle. Beech Mountain Fire Department is apparently purchasing a truck in the \$564,000 range. The Fire Commission considers \$250,000 to \$280,000 to be sufficient for purchase of a fire truck. Beech Mountain has not officially requested money for the purchase of this fire truck. Mr. Smith feels that Beech Mountain possibly envisions the Fire Commission giving them 25% of the \$250,000 to \$280,000 range. Beech Mountain typically is given 25% because they are in two counties. Scott Heath stated that the Board raised the fire tax rate last year based on the replacement costs of the fire trucks. Mr. Heath expressed concern about the replacement costs going to Fund Balance. Chairman Poteat stated he understood this would be for debt reduction also. The question came up as to how much the one cent fire tax increase last year amounted to. Tim Greene said this was a little less than \$400,000. Chairman Poteat asked, of the approximately \$400,000, how is it being used? Jake Owens stated \$338,000 has been committed for new equipment or debt reduction if the \$250,000 stays in Fund Balance.

Jake Owens stated the Fire Commission has had two workshops. The Fire Commission has decided to begin quarterly inspections of all fire departments in the County. Butch Sholar and some of the Fire Commission members will carry out the inspections. Also, the fire departments, equipment, and trucks will be inspected under the 9S Law which is required. The Fire Commission has formed a truck committee to direct the fire departments in their purchasing of new fire trucks.

Chairman Poteat stated the Board of County Commissioners goal was to help bridge the gap between the Fire Commission and Fire Association. The Chairman stated the Fire Commission has the backing of the County Commissioners. The Fire Association is made of 200 to 300 members of the fire departments. Every fire department has a fire chief. Each fire department has two voting delegates to attend the Fire Association meetings.

The County Manager advised the Fire Commission will audit all of the fire departments this year and he feels the rescue squads should be audited as well. This would be a separate issue from the Fire Commission audit and the fire department audits. The time is coming when we need to consider a Fire and Rescue Commission, stated the Manager. The County Manager also stated last year at this time a major source of confusion was the contract. The County Manager advised, in his opinion, the Fire Commission should “ok the contract and then get on with the program”. Scott Heath commented that the Fire Commission is the Board of Commissioners representative when dealing with the fire departments. Scott Heath stated he thinks it is the Fire Commission’s duty to see that the tax dollars are spent wisely. Mr. Heath feels the Fire Commission is a needed body in this County. Mr. Heath reiterated that the Fire Commission has his support. Susan Pittman stated the reason why the Fire Commission was formed was to make sure the money was spent wisely. Daryl Smith reported that no departments have submitted their inventory lists and he has asked Butch Sholar to send a memo to the fire departments to submit their inventory lists within the next 30 days.

Chairman Poteat stated that the Board of Commissioners will meet with the Fire Association officers and two voting delegates from each fire department. Mr. Smith advised, to try to have harmony, it would probably be better for the Fire Commission to meet also with the Board and the Fire Association.

Adjourn
Motion by Susan Pittman and second by Phyllis Forbes to adjourn this meeting at 6:32 p.m. Motion unanimously approved.

Kenny R. Poteat, Chairman
Avery County Board of Commissioners

ATTEST: _____
Cindy Turbyfill, Clerk to the Board